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15 Attorneys for Plaintiff  
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 2:23-CR-324-GW

21 Plaintiff,

22 PLEA AGREEMENT FOR DEFENDANT  
ALEJANDRO CALVILLO TRUJILLO

23 v.

24 ALEJANDRO CALVILLO TRUJILLO,

25 Defendant.

26 1. This constitutes the plea agreement between ALEJANDRO  
27 CALVILLO TRUJILLO ("defendant") and the United States Attorney's  
28 Office for the Central District of California (the "USAO") in the  
above-captioned case. This agreement is limited to the USAO and  
cannot bind any other federal, state, local, or foreign prosecuting,  
enforcement, administrative, or regulatory authorities.

29 DEFENDANT'S OBLIGATIONS

30 2. Defendant agrees to:

31 a. At the earliest opportunity requested by the USAO and  
32 provided by the Court, appear and plead guilty to the single-count  
33 indictment in United States v. Alejandro Calvillo Trujillo, CR No.

1 2:23-CR-000324-GW, which charges defendant with attempted re-entry  
2 into the United States following deportation or removal in violation  
3 of 8 U.S.C. §§ 1326(a), (b) (2).

4 b. Not contest facts agreed to in this agreement.

5 c. Abide by all agreements regarding sentencing contained  
6 in this agreement.

7 d. Appear for all court appearances, surrender as ordered  
8 for service of sentence, obey all conditions of any bond, and obey  
9 any other ongoing court order in this matter.

10 e. Not commit any crime; however, offenses that would be  
11 excluded for sentencing purposes under United States Sentencing  
12 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not  
13 within the scope of this agreement.

14 f. Be truthful at all times with the United States  
15 Probation and Pretrial Services Office and the Court.

16 g. Pay the applicable special assessment at or before the  
17 time of sentencing unless defendant has demonstrated a lack of  
18 ability to pay such assessments.

19 THE USAO'S OBLIGATIONS

20 3. The USAO agrees to:

21 a. Not contest facts agreed to in this agreement.

22 b. Abide by all agreements regarding sentencing contained  
23 in this agreement.

24 c. At the time of sentencing, provided that defendant  
25 demonstrates an acceptance of responsibility for the offense up to  
26 and including the time of sentencing, recommend a two-level reduction  
27 in the applicable Sentencing Guidelines offense level, pursuant to

1 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an  
2 additional one-level reduction if available under that section.

3 NATURE OF THE OFFENSE

4 4. Defendant understands that for defendant to be guilty of  
5 the crime charged in the single-count indictment, that is, attempted  
6 re-entry into the United States following deportation or removal in  
7 violation of 8 U.S.C. §§ 1326(a), (b)(2), the following must be true:  
8 (1) defendant was removed or deported from the United States; (2)  
9 defendant had the specific intent to enter the United States free  
10 from official restraint; (3) defendant was an alien at the time of  
11 the defendant's attempted re-entry into the United States; (4)  
12 defendant had not obtained the consent of the Attorney General of the  
13 Secretary of the Department of Homeland Security to reapply for  
14 admission into the United States; and (5) defendant did something  
15 that was a substantial step toward committing the crime and that  
16 strongly corroborated the defendant's intent to commit the crime.  
17 Mere preparation is not a substantial step toward committing the  
18 crime. To constitute a substantial step, a defendant's act or  
19 actions must unequivocally demonstrate that the crime will take place  
20 unless interrupted by independent circumstances.

21 5. Defendant understands that for defendant to be subject to  
22 the statutory maximum penalties under 8 U.S.C. § 1326(b)(2),  
23 defendant's deportation or removal must have occurred after defendant  
24 was convicted of an aggravated felony, namely, the aggravated felony  
25 described in paragraph 10 below.

26 PENALTIES

27 6. Defendant understands that the statutory maximum sentence  
28 that the Court can impose for a violation of Title 8, United States

1 Code, Section 1326(a), where the heightened statutory maximum  
2 penalties under 8 U.S.C. § 1326(b)(2) apply, is: 20 years'  
3 imprisonment; a three-year period of supervised release; a fine of  
4 \$250,000; and a mandatory special assessment of \$100.

5       7. Defendant understands that supervised release is a period  
6 of time following imprisonment during which defendant will be subject  
7 to various restrictions and requirements. Defendant agrees that the  
8 imposition of supervised release is warranted in this case, as  
9 authorized under U.S.S.G. § 5D1.1, cmt. n.5. Defendant understands  
10 that if defendant violates one or more of the conditions of any  
11 supervised release imposed, defendant may be returned to prison for  
12 all or part of the term of supervised release authorized by statute  
13 for the offense that resulted in the term of supervised release,  
14 which could result in defendant serving a total term of imprisonment  
15 greater than the statutory maximum stated above.

16       8. Defendant understands that the conviction in this case may  
17 result in defendant giving up valuable government benefits and civic  
18 rights and may also subject defendant to various other collateral  
19 consequences, including but not limited to revocation of probation,  
20 parole, or supervised release in another case and suspension or  
21 revocation of a professional license. Defendant understands that  
22 unanticipated collateral consequences will not serve as grounds to  
23 withdraw defendant's guilty plea.

24       9. Defendant and his counsel have discussed the fact that, and  
25 defendant understands that, because defendant is not a United States  
26 citizen, the conviction in this case makes it practically inevitable  
27 and a virtual certainty that defendant will be removed or deported  
28 from the United States. Defendant may also be denied United States

1 citizenship and admission to the United States in the future.  
2 Defendant understands that while there may be arguments that  
3 defendant can raise in immigration proceedings to avoid or delay  
4 removal, removal is presumptively mandatory and a virtual certainty  
5 in this case. Defendant further understands that removal and  
6 immigration consequences are the subject of a separate proceeding and  
7 that no one, including his attorney or the Court, can predict to an  
8 absolute certainty the effect of his conviction on his immigration  
9 status. Defendant nevertheless affirms that he wants to plead guilty  
10 regardless of any immigration consequences that his plea may entail,  
11 even if the consequence is automatic removal from the United States.

12 FACTUAL BASIS

13 10. Defendant admits that defendant is, in fact, guilty of the  
14 offense to which defendant is agreeing to plead guilty and that he is  
15 subject to the heightened statutory maximum penalties under 8 U.S.C.  
16 § 1326(b) (2). Defendant and the USAO agree to the statement of facts  
17 provided below and agree that this statement of facts is sufficient  
18 to support a plea of guilty to the charge described in this agreement  
19 and to establish the Sentencing Guidelines factors set forth in  
20 paragraph 12 below but is not meant to be a complete recitation of  
21 all facts relevant to the underlying criminal conduct or all facts  
22 known to either party that relate to that conduct.

23 Defendant, a citizen of Mexico, was at all times relevant to  
24 this plea agreement, an alien, that is, not a natural-born or  
25 naturalized citizen, or national, of the United States. Defendant  
26 was lawfully deported or removed from the United States on or about  
27 June 7, 2022.

1 Subsequent to defendant's deportation or removal on or about  
2 June 7 2022, defendant had the specific intent to enter the United  
3 States free from official restraint when defendant knowingly and  
4 voluntarily attempted to re-enter the United States by way of panga  
5 boat on or about August 20, 2022. The panga boat was intercepted by  
6 law enforcement agents in the water off the coast of Malibu, in Los  
7 Angeles County, within the Central District of California. Defendant  
8 admits that his attempt to re-enter the United States by way of panga  
9 boat on or about August 20, 2022 constituted defendant taking a  
10 substantial step towards the crime of illegally re-entry into the  
11 United States.

12           Defendant knew that he attempted to illegally re-enter the  
13 United States without the consent of the Attorney General or his  
14 designated successor, the Secretary of the Department of Homeland  
15 Security, or of any authorized representative of either the Attorney  
16 General or that Department, to reapply for admission or to otherwise  
17 re-enter and remain in the United States.

Prior to defendant's deportation or removal, on or about September 9, 2021, defendant was convicted of Lewd and Lascivious Acts on a Child, in violation of California Penal Code § 288(a), an aggravated felony, in the Superior Court of the State of California, County of Merced, Case Number 21CR-02165, for which the sentence imposed was one year imprisonment. This conviction is an aggravated felony provided in 8 U.S.C. Section 1101(a)(43) because it is a crime of sexual abuse of a minor.

## SENTENCING FACTORS

27       11. Defendant understands that in determining defendant's  
28 sentence the Court is required to calculate the applicable Sentencing

1 Guidelines range and to consider that range, possible departures  
2 under the Sentencing Guidelines, and the other sentencing factors set  
3 forth in 18 U.S.C. § 3553(a). Defendant understands that the  
4 Sentencing Guidelines are advisory only, that defendant cannot have  
5 any expectation of receiving a sentence within the calculated  
6 Sentencing Guidelines range, and that after considering the  
7 Sentencing Guidelines and the other § 3553(a) factors, the Court will  
8 be free to exercise its discretion to impose any sentence it finds  
9 appropriate up to the maximum set by statute for the crime of  
10 conviction.

11        12. Defendant and the USAO agree to the following applicable  
12 Sentencing Guidelines factors:

Felony Conviction Sustained  
for which the Sentence is  
Less Than One Year and One  
Month and Conduct Occurred  
Before Defendant's Initial  
Removal Order:

17 || +4 [ U.S.S.G. § 2L1.2(b)(2)(D) ]

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19 ||

20 ||

21 Variance -4

22 ||

23 Defendant and the USAO reserve the right to argue that additional

specific offense characteristics, adjustments, and departures under the Sentencing Guidelines are appropriate.

26           13. Defendant understands that there is no agreement as to  
27 defendant's criminal history or criminal history category.

1       14. Defendant and the USAO reserve the right to argue for a  
2 sentence outside the sentencing range established by the Sentencing  
3 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),  
4 (a)(2), (a)(3), (a)(6), and (a)(7).

## WAIVER OF CONSTITUTIONAL RIGHTS

6        15. Defendant understands that by pleading guilty, defendant  
7 gives up the following rights:

- a. The right to persist in a plea of not guilty.
  - b. The right to a speedy and public trial by jury.
  - c. The right to be represented by counsel -- and if necessary have the Court appoint counsel -- at trial. Defendant understands, however, that, defendant retains the right to be represented by counsel -- and if necessary have the Court appoint counsel -- at every other stage of the proceeding.
  - d. The right to be presumed innocent and to have the burden of proof placed on the government to prove defendant guilty beyond a reasonable doubt.
  - e. The right to confront and cross-examine witnesses against defendant.
  - f. The right to testify and to present evidence in opposition to the charges, including the right to compel the attendance of witnesses to testify.
  - g. The right not to be compelled to testify, and, if defendant chose not to testify or present evidence, to have that choice not be used against defendant.
  - h. Any and all rights to pursue any affirmative defenses, Fourth Amendment or Fifth Amendment claims, and other pretrial motions that have been filed or could be filed.

## WAIVER OF APPEAL OF CONVICTION

2       16. Defendant understands that, with the exception of an appeal  
3 based on a claim that defendant's guilty plea was involuntary, by  
4 pleading guilty defendant is waiving and giving up any right to  
5 appeal defendant's conviction on the offense to which defendant is  
6 pleading guilty. Defendant understands that this waiver includes,  
7 but is not limited to, arguments that the statute to which defendant  
8 is pleading guilty is unconstitutional, and any and all claims that  
9 the statement of facts provided herein is insufficient to support  
10 defendant's plea of guilty.

LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

12        17. Defendant agrees that, provided the Court imposes a total  
13 term of imprisonment on all counts of conviction of no more than the  
14 range corresponding to an offense level of 6 and the Criminal History  
15 Category calculated by the Court, defendant gives up the right to  
16 appeal all of the following: (a) the procedures and calculations used  
17 to determine and impose any portion of the sentence; (b) the term of  
18 imprisonment imposed by the Court; (c) the fine imposed by the Court,  
19 provided it is within the statutory maximum; (d) to the extent  
20 permitted by law, the constitutionality or legality of defendant's  
21 sentence, provided it is within the statutory maximum; (e) the term  
22 of probation or supervised release imposed by the Court, provided it  
23 is within the statutory maximum; and (f) any of the following  
24 conditions of probation or supervised release imposed by the Court:  
25 the conditions set forth in Second Amended General Order 20-04 of  
26 this Court; the drug testing conditions mandated by 18 U.S.C.  
27 §§ 3563(a)(5) and 3583(d); and the alcohol and drug use conditions  
28 authorized by 18 U.S.C. § 3563(b)(7).

18. The USAO agrees that, provided (a) all portions of the sentence are at or below the statutory maximum specified above and (b) the Court imposes a term of imprisonment of no less than the range corresponding to an offense level of 6 and the Criminal History Category calculated by the Court, the USAO gives up its right to appeal any portion of the sentence.

RESULT OF WITHDRAWAL OF GUILTY PLEA

19. Defendant agrees that if, after entering a guilty plea pursuant to this agreement, defendant seeks to withdraw and succeeds in withdrawing defendant's guilty plea on any basis other than a claim and finding that entry into this plea agreement was involuntary, then the USAO will be relieved of all of its obligations under this agreement.

EFFECTIVE DATE OF AGREEMENT

20. This agreement is effective upon signature and execution of all required certifications by defendant, defendant's counsel, and an Assistant United States Attorney.

## BREACH OF AGREEMENT

21. Defendant agrees that if defendant, at any time after the signature of this agreement and execution of all required certifications by defendant, defendant's counsel, and an Assistant United States Attorney, knowingly violates or fails to perform any of defendant's obligations under this agreement ("a breach"), the USAO may declare this agreement breached. All of defendant's obligations are material, a single breach of this agreement is sufficient for the USAO to declare a breach, and defendant shall not be deemed to have cured a breach without the express agreement of the USAO in writing. If the USAO declares this agreement breached, and the Court finds

1 such a breach to have occurred, then: (a) if defendant has previously  
2 entered a guilty plea pursuant to this agreement, defendant will not  
3 be able to withdraw the guilty plea, and (b) the USAO will be  
4 relieved of all its obligations under this agreement.

5 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

6 OFFICE NOT PARTIES

7 22. Defendant understands that the Court and the United States  
8 Probation and Pretrial Services Office are not parties to this  
9 agreement and need not accept any of the USAO's sentencing  
10 recommendations or the parties' agreements to facts or sentencing  
11 factors.

12 23. Defendant understands that both defendant and the USAO are  
13 free to: (a) supplement the facts by supplying relevant information  
14 to the United States Probation and Pretrial Services Office and the  
15 Court, (b) correct any and all factual misstatements relating to the  
16 Court's Sentencing Guidelines calculations and determination of  
17 sentence, and (c) argue on appeal and collateral review that the  
18 Court's Sentencing Guidelines calculations and the sentence it  
19 chooses to impose are not error, although each party agrees to  
20 maintain its view that the calculations in paragraph 12 are  
21 consistent with the facts of this case. While this paragraph permits  
22 both the USAO and defendant to submit full and complete factual  
23 information to the United States Probation and Pretrial Services  
24 Office and the Court, even if that factual information may be viewed  
25 as inconsistent with the facts agreed to in this agreement, this  
26 paragraph does not affect defendant's and the USAO's obligations not  
27 to contest the facts agreed to in this agreement.

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1       24. Defendant understands that even if the Court ignores any  
2 sentencing recommendation, finds facts or reaches conclusions  
3 different from those agreed to, and/or imposes any sentence up to the  
4 maximum established by statute, defendant cannot, for that reason,  
5 withdraw defendant's guilty plea, and defendant will remain bound to  
6 fulfill all defendant's obligations under this agreement. Defendant  
7 understands that no one -- not the prosecutor, defendant's attorney,  
8 or the Court -- can make a binding prediction or promise regarding  
9 the sentence defendant will receive, except that it will be within  
10 the statutory maximum.

## NO ADDITIONAL AGREEMENTS

12        25. Defendant understands that, except as set forth herein,  
13 there are no promises, understandings, or agreements between the USAO  
14 and defendant or defendant's attorney, and that no additional  
15 promise, understanding, or agreement may be entered into unless in a  
16 writing signed by all parties or on the record in court.

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1                   PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

2       26. The parties agree that this agreement will be considered  
3 part of the record of defendant's guilty plea hearing as if the  
4 entire agreement had been read into the record of the proceeding.

5 AGREED AND ACCEPTED

6 UNITED STATES ATTORNEY'S OFFICE  
7 FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

8 JOSEPH T. McNALLY  
Acting United States Attorney

9   
10 ALEXANDRA SLOAN KELLY

11 Assistant United States Attorney

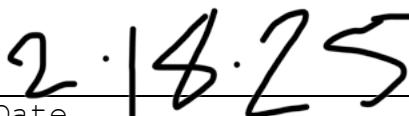
12   
13 ALEJANDRO CALVILLO TRUJILLO

Defendant

14   
15 DAVID MENNINGER  
16 Deputy Federal Public Defender  
Attorney for Defendant ALEJANDRO  
CALVILLO TRUJILLO

2/19/2025

Date



Date

2/19/2025

Date

17                   CERTIFICATION OF DEFENDANT

18       This agreement has been read to me in Spanish, the language I  
19 understand best. I have had enough time to review and consider this  
20 agreement, and I have carefully and thoroughly discussed every part  
21 of it with my attorney. I understand the terms of this agreement,  
22 and I voluntarily agree to those terms. I have discussed the  
23 evidence with my attorney, and my attorney has advised me of my  
24 rights, of possible pretrial motions that might be filed, of possible  
25 defenses that might be asserted either prior to or at trial, of the  
sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant  
26 Sentencing Guidelines provisions, and of the consequences of entering  
27  
28

1 into this agreement. No promises, inducements, or representations of  
2 any kind have been made to me other than those contained in this  
3 agreement. No one has threatened or forced me in any way to enter  
4 into this agreement. I am satisfied with the representation of my  
5 attorney in this matter, and I am pleading guilty because I am guilty  
6 of the charge and wish to take advantage of the promises set forth in  
7 this agreement, and not for any other reason.

ALEJANDRO CALVILLO TRUJILLO

Defendant

2.18.25

Date

12 CERTIFICATION OF INTERPRETER

13 I, Carina Arriola, am fluent in the written and spoken  
14 sight-translated English and Spanish languages. I accurately translated this entire  
15 agreement from English into Spanish to defendant ALEJANDRO CALVILLO  
16 TRUJILLO on this date.

Carina Arriola

2/18/2025

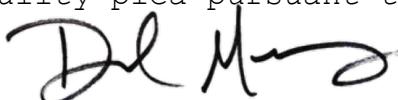
18 INTERPRETER

Date

20 CERTIFICATION OF DEFENDANT'S ATTORNEY

21 I am ALEJANDRO CALVILLO TRUJILLO's attorney. I have carefully  
22 and thoroughly discussed every part of this agreement with my client.  
23 Further, I have fully advised my client of his rights, of possible  
24 pretrial motions that might be filed, of possible defenses that might  
25 be asserted either prior to or at trial, of the sentencing factors  
set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines  
provisions, and of the consequences of entering into this agreement.

1 To my knowledge: no promises, inducements, or representations of any  
2 kind have been made to my client other than those contained in this  
3 agreement; no one has threatened or forced my client in any way to  
4 enter into this agreement; my client's decision to enter into this  
5 agreement is an informed and voluntary one; and the factual basis set  
6 forth in this agreement is sufficient to support my client's entry of  
7 a guilty plea pursuant to this agreement.



2/19/2025

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9 DAVID MENNINGER  
10 Deputy Federal Public Defendant  
Attorney for Defendant ALEJANDRO  
CALVILLO TRUJILLO

Date

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